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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,964	03/02/2004	Franklin T. Nakasone	67167-002; 5863-03	2137
26096	7590	06/22/2004	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			BARRETT, SUZANNE LALE DINO	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,964

Applicant(s)

NAKASONE, FRANKLIN T.

Examiner

Suzanne Dino Barrett

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-14, 17, 20 is/are rejected.
- 7) ☒ Claim(s) 9, 10, 15, 16, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/2/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because in line 4, "groves" should be changed to --grooves--. Correction is required. See MPEP § 608.01(b).

2. The disclosure is objected to because of the following informalities: on page 2, line 7 and page 4, line 10, "groves" should be --grooves--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 9,10,15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9, line 2, there is no proper antecedent basis for said retainer "clip". In claim 10, line 1-2, there is no antecedent for said retainer engagement "assembly", since claim 9 refers to a "feature". In claim 15, line 3, there is no antecedent for said retainer "clip", since earlier in line 2, a retainer "feature" is claimed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,2,4-7,11-13,17,20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Martin 5,038,589.

Martin teaches a lock cylinder 14 and core 12 retainer clip 40 having first and second legs 42 and a bridge portion 44, wherein the cylinder has retainer grooves 38 and the core has retainer grooves 24 to receive the retainer legs. The cylinder further provides a retainer engagement feature 46 to secure the retainer clip within the grooves. The front loading core 12 further has a flange portion 16 to engage a recessed portion (not labeled) at the front of the cylinder housing bore 28. Note that the method limitations of claims 17 and 20 are considered inherent to the use of the device as disclosed by Martin.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin '589 in view of Dauenbaugh 4,099,397.

Dauenbaugh teaches a similar lock cylinder assembly with a retaining clip 12 and further having a groove 58 in the cylinder 10 to engage with an extension 26 on the plug 22. It would have been obvious to one of ordinary skill in the art to modify the cylinder and plug of Martin to have an extension and groove as taught by Dauenbaugh to enhance the engagement between the cylinder and plug as desired.

8. Claims 8,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin '589 in view of either Dauenbaugh '397 or Myers 5,636,540.

Both Dauenbaugh and Myers teach a lock cylinder retainer clip (12; 10 respectively) having a bridge portion (70; 50) with an aperture therein. In the case of Dauenbaugh, the aperture receives a fastener to secure the retainer to the panel 20 (Fig.2). Since Martin teaches that the clip 40 can have a different configuration (col.4, lines 23-24), it would have been obvious to one of ordinary skill in the art to modify the clip of Martin by providing an aperture in the bridge as taught by either Dauenbaugh or Myers to facilitate usage of the clip.

Allowable Subject Matter

9. Claims 16,18,19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 9,10,15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The prior art of record fails to teach a housing engagement feature which secures the retainer clip by engaging an angled detent with an aperture on the clip bridge as claimed. While the clip of Dauenbaugh is taught to have an aperture in the bridge 50 to receive a fastener as shown in Fig. 2, it is fastened to the panel, not the housing. Furthermore, while Martin teaches a housing securement member 46 for the clip 40, this member 46 does not engage an aperture in the bridge of the clip and the prior art of record does not provide motivation or suggestion to provide the clip of Martin with an aperture to be engaged by a housing member. Accordingly, claims 9,10,15,16,18,19 are allowable over the prior art of record.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the retainers of Bolton '035, Kuo '378, Hall '964, especially; also the resilient retainer of Heinrich '229 (Fig.6); Vahlstrom '141, Mall

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'241, Myers '963, McConnell '899, Schwartz '154, Burleigh '241, Higgins '882, Martin '619.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Dino Barrett whose telephone number is 703-308-0825. The examiner can normally be reached on M-Th 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Suzanne Dino Barrett
Primary Examiner
Art Unit 3676

sdb